

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: French

No.: ICC-01/04-01/07

Date: 25 August 2009

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Hans-Peter Kaul

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

Public document

**Decision Inviting Observations from the Democratic Republic of the Congo on
Germain Katanga's Application for a Declaration on Unlawful Detention or Stay of
Proceedings**

Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
 Ms Fatou Bensouda, Deputy Prosecutor
 Mr Éric MacDonald, Senior Trial Lawyer

Counsel for the Defence of Germain

Katanga
 Mr David Hooper
 Mr Andreas O'Shea

Counsel for the Defence of Mathieu

Ngudjolo Chui
 Mr Jean-Pierre Kilenda Kakengi Basila
 Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of the Victims

Mr Jean-Louis Gilissen
 Mr Fidel Nsita Luvengika
 Mr Hervé Diakiese
 Ms Carine Bapita Buyangandu
 Mr Jean Chrysostome Mulamba
 Nsokoloni
 Mr Vincent Lurquin
 Ms Flora Mbuyu Anjelani
 Mr Richard Kazadi Kabimba
 Ms Magali Pirard
 Mr Dieudonné Kaluba Didwa
 Mr Lievin Ngondji Ogombe

Legal Representatives of the Applicants

**The Office of Public Counsel for
 Victims**

Ms Paolina Massida

**The Office of Public Counsel for the
 Defence**

States' Representatives

Democratic Republic of the Congo

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

**Victims Participation and Reparations
 Section**

TRIAL CHAMBER II of the International Criminal Court (“the Chamber”);

NOTING rule 103 of the Rules of Procedure and Evidence (“the Rules”);

NOTING the application by the Defence for Germain Katanga, “Defence motion for a declaration on unlawful detention and stay of proceedings”, filed on 30 June 2009,¹ the public redacted version of which was filed on 2 July 2009 (“the Application”);²

NOTING the “Prosecution Response to Defence motion for a declaration on unlawful detention and stay of proceedings” (“the Response”),³ the public redacted version of which was filed on 17 August 2009;⁴

NOTING the description of the facts contained in the Application and addressed in the Response;

CONSIDERING that pursuant to rule 103 of the Rules, the Chamber may, “if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate”;

FOR THESE REASONS, THE CHAMBER

INVITES the competent authorities of the Democratic Republic of the Congo to file their observations in the fifteen days following notification of the French version of the Application and of the Response.

¹ ICC-01/04-01/07-1258-Conf-Exp.

² ICC-01/04-01/07-1263.

³ ICC-01/04-01/07-1335-Conf-Exp.

⁴ ICC-01/04-01/07-1381.

Done in both English and in French, the French version being authoritative.

[signed]

Judge Bruno Cotte
Presiding Judge

[signed]

Judge Fatoumata Dembele Diarra

[signed]

Judge Hans-Peter Kaul

Dated this 25 August 2009

At The Hague, The Netherlands